

HOUSE BILL 271

D4
HB 635/11 – JUD

6lr2061

By: **Delegate Dumais**

Introduced and read first time: January 25, 2016

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Child Support – Extraordinary Medical Expenses**

3 FOR the purpose of altering the definition of “extraordinary medical expenses” under the
4 child support guidelines; providing for the application of this Act; and generally
5 relating to child support.

6 BY repealing and reenacting, without amendments,
7 Article – Family Law
8 Section 12–201(a) and 12–204(h), (l), and (m)
9 Annotated Code of Maryland
10 (2012 Replacement Volume and 2015 Supplement)

11 BY repealing and reenacting, with amendments,
12 Article – Family Law
13 Section 12–201(g)
14 Annotated Code of Maryland
15 (2012 Replacement Volume and 2015 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
17 That the Laws of Maryland read as follows:

18 **Article – Family Law**

19 12–201.

20 (a) In this subtitle the following words have the meanings indicated.

21 (g) (1) “Extraordinary medical expenses” means uninsured [expenses over
22 \$100 for a single illness or condition] **COSTS FOR MEDICAL TREATMENT IN EXCESS OF**
23 **\$250 IN ANY CALENDAR YEAR.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) “Extraordinary medical expenses” includes uninsured, reasonable, and
2 necessary costs for orthodontia, dental treatment, **VISION CARE**, asthma treatment,
3 physical therapy, treatment for any chronic health problem, and professional counseling or
4 psychiatric therapy for diagnosed mental disorders.

5 12–204.

6 (h) (1) Any actual cost of providing health insurance coverage for a child for
7 whom the parents are jointly and severally responsible shall be added to the basic child
8 support obligation and shall be divided by the parents in proportion to their adjusted actual
9 incomes.

10 (2) Any extraordinary medical expenses incurred on behalf of a child shall
11 be added to the basic child support obligation and shall be divided between the parents in
12 proportion to their adjusted actual incomes.

13 (l) (1) Except in cases of shared physical custody, each parent’s child support
14 obligation shall be determined by adding each parent’s respective share of the basic child
15 support obligation, work–related child care expenses, health insurance expenses,
16 extraordinary medical expenses, and additional expenses under subsection (i) of this
17 section.

18 (2) The obligee shall be presumed to spend that parent’s total child support
19 obligation directly on the child or children.

20 (3) The obligor shall owe that parent’s total child support obligation as
21 child support to the obligee minus any ordered payments included in the calculations made
22 directly by the obligor on behalf of the child or children for work–related child care
23 expenses, health insurance expenses, extraordinary medical expenses, or additional
24 expenses under subsection (i) of this section.

25 (m) (1) In cases of shared physical custody, the adjusted basic child support
26 obligation shall first be divided between the parents in proportion to their respective
27 adjusted actual incomes.

28 (2) Each parent’s share of the adjusted basic child support obligation shall
29 then be multiplied by the percentage of time the child or children spend with the other
30 parent to determine the theoretical basic child support obligation owed to the other parent.

31 (3) Subject to the provisions of paragraphs (4) and (5) of this subsection,
32 the parent owing the greater amount under paragraph (2) of this subsection shall owe the
33 difference in the 2 amounts as child support.

34 (4) In addition to the amount of the child support owed under paragraph
35 (3) of this subsection, if either parent incurs child care expenses under subsection (g) of this
36 section, health insurance expenses under subsection (h)(1) of this section, extraordinary

1 medical expenses under subsection (h)(2) of this section, or additional expenses under
2 subsection (i) of this section, the expense shall be divided between the parents in proportion
3 to their respective adjusted actual incomes. The parent not incurring the expense shall pay
4 that parent's proportionate share to:

5 (i) the parent making direct payments to the provider of the service;
6 or

7 (ii) the provider directly, if a court order requires direct payments to
8 the provider.

9 (5) The amount owed under paragraph (3) of this subsection may not
10 exceed the amount that would be owed under subsection (l) of this section.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply only to
12 extraordinary medical expenses incurred on or after the effective date of this Act.

13 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2016.